

1997 Underpayment of Estimated Tax by Corporations

5806

For calendar year

1997 or fiscal year beginning 1 9 7 , and ending 1 9 Y Y .

Corporation name

California corporation number

Part I Figure the Underpayment If line 8 shows an underpayment for any installment, complete the balance of this form.

1 Current year's tax. See instructions on page 1	1	
2 Multiply line 1 by 95% (.95)	2	
3 Enter in column (a) through column (d) the due dates for each installment	3	
4 Percentage required (short period filers see instructions)	4	25% (not less than min.) 50% less 1st 75% less prior 100% less prior
5 Amount due. See instructions on page 1	5	
6 a Amount paid or credited for each installment	6a	
b Overpayment from previous installment	6b	
7 Add line 6a and line 6b	7	
8 Underpayment (subtract line 7 from line 5) or overpayment (subtract line 5 from line 7)	8	

Part II Exceptions to the Penalty If line 8 shows an underpayment for any installment, go to **Part IV, Exceptions Worksheets**.**Note:** If Exception A line 9a, is met for all four installments, do not attach this form to the return.

(check the applicable boxes)		Yes	No	Yes	No	Yes	No	Yes	No
9 a Exception A — Regular Corporations, line 27	9a								
b Exception A — Large Corporations. See instructions	9b								
10 Exception B (line 43) met?	10								
11 Exception C (line 53) met?	11								

Part III Figure the Penalty If line 8 shows an underpayment for any installment and one of the three exceptions was not met, figure the penalty for that installment by completing line 12 through line 23. (If the prior year's tax was only the minimum franchise tax, see the instructions for **Part III** before completing this part.)

12 Enter the earlier of the payment date, or the 15th day of the 3rd month after the close of the income year. Form 109 filers, see instructions.	12				
13 Number of days from date shown on line 3 to date shown on line 12	13				
14 Number of days on line 13 before 7/1/97	14				
15 Number of days on line 13 after 6/30/97 and before 7/1/98	15				
16 Number of days on line 13 after 6/30/98 and before 1/1/99. See inst.	16				
17 Number of days on line 13 after 12/31/98 and before 2/16/99.	17				
18 Number of days on line 14 Number of days in income year x 9% x line 8	18				
19 Number of days on line 15 Number of days in income year x 9% x line 8	19				
20 Number of days on line 16 Number of days in income year x % (call FTB for %) x line 8	20				
21 Number of days on line 17 Number of days in income year x % (call FTB for %) x line 8	21				
22 Add amounts for each column from line 18 through line 21	22				
23 Total estimate penalty due. Add line 22, column (a) through column (d). Enter here and on Form 100, line 42; Form 100S, line 42 or Form 109, line 29	23				

Part IV Exceptions Worksheets Even if line 8 shows an underpayment for any installment, FTB will **not** assess a penalty if timely payments were made and they equal or exceed the amount determined under any of the three exceptions for the same installment period.**Exception A — Prior Year's Tax — Regular Corporations**

24 Prior year's tax (the return must have been for a full 12 months)	24	
		(a) (b) (c) (d)
		25% (not less than min.) 50% 75% 100%
25 Enter line 24 x the percentage shown	25	
26 Amount paid by the installment due date (cumulative)	26	
27 Exception met? Circle "yes" or "no" and enter the answer on line 9a	27	Yes No Yes No Yes No Yes No

Part IV Exceptions Worksheets Continued

Exception A — Prior Year's Tax — Large Corporations

Use this exception only if the prior year tax is less than 95% of the current year tax.

28	Prior year's tax	28	
29	Current year's tax	29	
30	Multiply line 29 by 95% (.95)	30	
		1st Installment	2nd Installment
31 a	Installment due. Enter line 28 x 25% (.25)	31a	
b	Installment due. Enter line 30 x 50% (.50)	31b	
32	Amount paid by the installment due date (cumulative)	32	
33	Compare the amount on line 31 with the amount on line 32. If the amount on line 31 is greater than the amount on line 32, the exception was not met. Circle "yes" or "no" and enter the answer on line 9b	33	Yes No Yes No

To meet this exception you must have circled **yes** for **both** installments. See instructions regarding amounts to use for installment 3 and installment 4.

Exception B — Tax on Annualized Current Year Income

Enter number of months for each period. See instructions ►

	Form	(a)	(b)	(c)	(d)
	100 & 100S				
	109				
34 a	Taxable income for each period	34a			
b	Divide the amount on line 34a by the number of months checked above	34b			
c	Annualized income for the installment period. Multiply line 34b by 12.	34c			
d	R&TC Section 23802(e) deduction (S corporations only)	34d			
e	Taxable income. Subtract line 34d from line 34c.	34e			
35	Tax. Line 34e x current tax rate. See tax return booklet	35			
36	Tax credits	36			
37	Subtract line 36 from line 35	37			
38	Other taxes*	38			
39	Total tax. Add line 37 and line 38	39			
40	Percentage required (short period filers: see instructions for Part I, line 4)	40	23.75% (not less than min.)	47.5%	71.25% 95%
41	Installment due. Multiply line 39 by line 40	41			
42	Amount paid by the installment due date (cumulative)	42			
43	Exception met? Circle "yes" or "no" and enter the answer on line 10.	43	Yes No Yes No Yes No Yes No		

Exception C — Tax on Annualized Seasonal Income

	1st 3 months	1st 5 months	1st 8 months	1st 11 months	
44 a	Taxable income for each period	44a			
b	Enter the % from Form 100-ES Instructions (1996), Worksheet III, Section B, line 4.	44b	%	%	%
c	Divide line 44a by line 44b	44c			
d	R&TC Section 23802(e) deduction (S corporations only)	44d			
e	Taxable income. Subtract line 44d from line 44c.	44e			
45	Tax. Line 44e x current tax rate. See tax return booklet	45			
46	Tax credits	46			
47	Subtract line 46 from line 45	47			
48	Other taxes*	48			
49	Total tax. Add line 47 and line 48	49			
50	Enter the % from Form 100-ES Instructions, (1996) Worksheet III, Section C, line 8.	50	%	%	%
51 a	Multiply line 49 by line 50	51a	(not less than min.)		
b	Installment due. Multiply line 51a by 95% (.95).	51b			
52	Amount paid by the installment due date (cumulative)	52			
53	Exception met? Circle "yes" or "no" and enter the answer on line 11.	53	Yes No Yes No Yes No Yes No		

*Include alternative minimum tax, taxes from Schedule D (S corporations only), excess net passive income tax (S corporations only), LIFO recapture tax, and credit recapture.

Instructions for Form FTB 5806

Underpayment of Estimated Tax by Corporations

General Information

California has conformed to the federal expanded annualization periods for purposes of computing Exception B, tax on annualized current year income. For income years beginning on or after January 1, 1998 the applicable percentage for estimate basis is 100%. Use California Revenue and Taxation Code (R&TC) Section 19011, Sections 19021 through 19027 and Sections 19142 through 19161 to determine the estimate tax requirement for California.

No addition to tax shall apply with respect to any underpayment of estimated tax to the extent the underpayment of an installment for the 1997 income year was created or increased by the provisions of Senate Bill 455 (Ch. 97-611). To request a waiver of underpayment of estimated tax penalty:

- Complete form FTB 5806 to compute the full penalty which would normally be due;
- Write the word "Waiver," in red, across the top of form FTB 5806;
- Attach an explanation to form FTB 5806 that gives the specific law changes that caused the underpayment and show the computation and the amount of penalty to be waived (a second form FTB 5806, clearly marked as such, may be used to show the computation of the penalty not related to the law change); and
- Attach form FTB 5806 to the face of the return.

Purpose of Form

Corporations may use form FTB 5806 to determine if they:

- Paid the correct estimated tax; or
- Are subject to the penalty for underpayment of estimated tax, and if so, the amount of the penalty.

Estimated tax is a corporation's expected tax liability after credits.

Caution: A corporation subject to the franchise tax must always pay at least the required minimum franchise tax by the 15th day of the fourth month of the income year.

Attach form FTB 5806 to the front of Form 100, Form 100S or Form 109 **only** when the corporation uses Exception B or C in figuring or eliminating the estimate penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29. Also see Specific

Line Instructions, Part II, Exceptions to the Penalty.

The term **corporation**, as used in form FTB 5806 and in these instructions, includes banks, financial corporations, regulated investment companies, real estate investment trusts, exempt organizations with unrelated business taxable income in excess of \$1,000, exempt homeowner's association with nonexempt function taxable income in excess of \$100, limited liability companies organized as corporations, and S corporations.

Income year, as used in form FTB 5806 and in these instructions, means taxable year for corporations that are subject to income tax under Chapter 3 (i.e., corporations that are not doing business within California but derive income from sources within California) of the California Bank and Corporation Tax Law.

Tax, for purposes of estimates, includes alternative minimum tax, taxes from Schedule D, excess net passive income tax, LIFO recapture tax, and the minimum franchise tax. This differs from federal law.

Specific Line Instructions

Part I Figure the Underpayment

Generally, an underpayment is the difference between the amount that would be due for each installment of estimated tax if the estimated tax were equal to 95% of the tax shown on the return, prorated to each installment, and the amount actually paid or credited on or before the due date of that installment.

Line 1 – Enter the total tax from Form 100, line 31; Form 100S, line 31; or Form 109, line 20. Also include any add-on taxes (except interest computed under the look-back method for completed long-term contracts and the increase in tax for the deferral of installment sale income) or credits recaptured on Form 100 or Form 100S, Schedule J; or Form 109, Schedule K.

Line 3 – Enter in column (a) through column (d) the estimated tax installment due dates that correspond to the 15th day of the 4th, 6th, 9th and 12th months of the income year.

Line 4 – Short period filers. Use the table below to determine the required percentage.

Line 5, column (a) – Enter 25% of the amount on line 2. **Do not enter an amount less than**

the minimum franchise tax for the income year.

Exception:

You can enter an amount less than minimum tax if you have been granted a tax exemption by the Franchise Tax Board (FTB), or are subject to income tax only under Chapter 3 (i.e., corporations that are not doing business within California but derive income from sources within California) of the California Bank and Corporation Tax Law.

Line 5, column (b) – Enter 50% of the amount on line 2 minus the amount entered in column (a).

Line 5, column (c) – Enter 75% of the amount on line 2 minus the total of the amounts entered on line 5, columns (a) and (b).

Line 5, column (d) – Enter 100% of the amount on line 2 minus the total of the amounts entered on line 5, columns (a), (b) and (c).

Line 6a – The overpayment from a timely filed prior year return is credited as of the first estimate installment due date or the date of payment, whichever is later.

The overpayment from a delinquent filed prior year return is credited as of the first estimate installment due date, the date of the payment or the date the delinquent return was filed, whichever is later.

For more information, refer to federal Rev. Rul. 84-58, 1984-1 C.B. 254.

Line 6b – Enter the overpayment from the previous installment. **However, if an underpayment existed on any prior installment, pay that underpayment first.**

Line 8 – If line 8 shows an underpayment for an installment, complete Part IV, Exceptions Worksheet and Part II, Exceptions to the Penalty, for that installment.

Part II Exceptions to the Penalty

The FTB will not assess a penalty if all of the estimated tax was paid on time and the payments satisfied the exception rules. A corporation may qualify for more than one exception. Complete Part IV, Exceptions Worksheet, to see if the corporation qualifies to use any of the exceptions.

California difference: Under California law, the exceptions are computed on a cumulative basis. This differs from federal law which requires only 25% of the annual payment for each installment.

Accounting Period Less Than 12 Months (Short Period)

Fiscal year corporations, adjust dates accordingly.

If income year (calendar year) begins:	Number of Installments Due	Percentage of Estimated Tax Due On or Before the 15th Day of			
		April	June	September	December
January 1 through January 16	4	25%	50%	75%	100%
January 17 through March 16	3		33⅓%	66⅔%	100%
March 17 through June 15	2			50%	100%
June 16 through September 15	1				100%
September 16 through December 31	None				

Exception A – Prior Year's Tax

Regular Corporations

Generally, this exception applies if the amount paid or credited on or before the installment due date equals or exceeds the tax shown on the return for the preceding year, prorated to each installment. For banks and financial corporations, the tax shown on the return includes the amount of the bank and financial tax rate adjustment. The return for the preceding year must have covered a full 12 months.

"Large" Corporations

A large corporation is any bank or corporation, including a predecessor bank or corporation, that had California net income (computed without regard to the net operating loss deduction) of \$1 million or more for any income year during the three income years immediately preceding the current income year.

This exception allows a large corporation to use prior year's tax for the first installment only. The difference between using the prior year's tax and 95% of the current year's tax for the first installment must have been added to the second installment (calculated using current year's tax) to meet the exception.

Installments 3 and 4

Because Exception A for large corporations can only be used for the first two installments, you must use the amounts computed in Part I or Exception B or Exception C, columns (c) and (d) for your 3rd and 4th installments.

Exception B – Tax on Annualized Current Year Income

This exception applies if the estimated tax paid on or before the installment due date was equal to or more than 95% of the amount the corporation would owe if its estimated tax was computed on annualized taxable income for the months preceding an installment due date.

For each period, enter the number of months for the annualization method used based on the table below. For example, if a Form 100 is filed and the Standard Option was used, enter 3 in column (a), 3 in column (b), 6 in column (c) and 9 in column (d).

Installment	1st	2nd	3rd	4th
Standard option	3	3	6	9
Option 1	2	4	7	10
Option 2	3	5	8	11

Corporations can use the Standard Option or must elect to use Option 1 or Option 2. Exempt organizations use Option 1 (the standard option for exempt organizations) or elect to use Option 2. The election to use an expanded option must be made on or before the due date of the first required installment payment. Get the instructions for the 1998 Form 100-ES, Corporation Estimated Tax for more information.

Attach form FTB 5806 to the front of Form 100, Form 100S or Form 109 only if Exception B is used in computing or eliminating the penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29.

Exception C – Tax on Annualized Seasonal Income

This exception applies if the estimated tax paid on or before the installment due date was equal to or more than 95% of the amount the corporation would owe if its estimated tax was computed on annualized seasonal taxable income for the months preceding an installment due date. Use Form 100-ES Instructions (1996), Worksheet III, to annualize seasonal income. Attach a copy of Worksheet III to form FTB 5806.

Attach form FTB 5806 to the front of Form 100, Form 100S or Form 109 only if Exception C is used in computing or eliminating the penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29.

Part III Figure the Penalty

If line 8 shows an underpayment for any installment and the corporation did not meet one of the exceptions in Part II, complete the penalty computation on line 12 through line 23.

Figure the penalty on the underpayment on line 8, from the installment due date to the return due date (excluding extension of time) or to the payment date, whichever is earlier.

Additional payments

If the corporation made additional payments for an installment, figure the penalty on the revised underpaid amount (amount on line 8 minus the amount of the last payment) from the last payment date to the return due date (excluding extension of time) or to the date of the next payment, whichever is earlier. Attach a separate computation for each additional payment.

If the prior year's tax was the minimum franchise tax and the corporation is not a large corporation, figure the penalty on the minimum franchise tax.

Line 12 – Enter the date payment was made or the return due date (excluding extension of time), whichever is earlier.

Form 109 filers – Enter the date payment was made, or the 15th day of the 5th month after the close of the income year, whichever is earlier.

If the installment due date fell on a Saturday, Sunday or a holiday and the corporation paid the estimate installment on the next business day, consider it paid on the due date.

Note: Days means calendar days unless otherwise noted.

Line 13 – Enter the number of days from the installment due date (line 3) to the date shown on line 12.

Line 14 – Enter the number of days on line 13 that are before 7/1/97 or the payment date, whichever is earlier.

Line 15 – Enter the number of days on line 13 that fall within the period after 6/30/97 and before 7/1/98 or the payment due date, whichever is earlier.

Calendar year corporations – Enter the number of days on line 13 that fall within the period after 6/30/97 and before 3/15/98 or the payment date, whichever is earlier. The total of line 14 and line 15 cannot be more than the number of days shown on line 13. Skip line 16 and line 17 and proceed to line 18.

Line 16 – **For fiscal year corporations only**, enter the number of days on line 13 that fall within the period after 6/30/98 and before 1/1/99 or the payment date, whichever is earlier.

Line 17 – **For fiscal year corporations only**, enter the number of days on line 13 that fall within the period after 12/31/98 and before 2/15/99 or the payment date, whichever is earlier. The total days on line 14 through line 17 cannot be more than the number of days shown on line 13.

Line 18 – Divide the number of days shown on line 14 by the number of days in the income year. Multiply the result by 9% and by the underpaid amount shown on line 8.

Line 19 – Divide the number of days shown on line 15 by the number of days in the income year. Multiply the result by 9% and by the underpaid amount shown on line 8.

Line 20 and Line 21 – Divide the number of days shown on line 16 or line 17, by the number of days in the income year. Multiply the result by the percentage, which FTB will determine at a later date. Then multiply the result by the underpaid amount shown on line 8.

Penalty Rates — Call FTB's phone service, Fast Answers about State Taxes (F.A.S.T.), to get updated penalty rates.

For the interest rate for line 20, call after March 1998. For the interest rate for line 21, call after September 1998.

How to Use F.A.S.T.

F.A.S.T. is available in English and Spanish to callers with touch-tone telephones.

F.A.S.T. is available 24 hours a day, seven days a week, from 6:00 a.m. to 10:00 p.m., except state holidays.

From within the United States
call 1-800-338-0505

From outside the United States
call (not toll free) 1-916-845-6600

After you reach the F.A.S.T. number, select general tax information, follow the recorded instructions and enter code number 403 to get the updated penalty rate.